

reason that the article was offered for sale under the distinctive name of another article.

On November 16, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

13875. Misbranding of flour. U. S. v. 40 Sacks and 23 Sacks of Flour. Default decrees of condemnation, forfeiture, and sale. (F. & D. No. 20161. I. S. Nos. 17474-v, 17475-v. S. No. E-5393.)

On June 30, 1925, the United States attorney for the Eastern District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 63 sacks of flour, remaining in the original unbroken packages at Cheraw, S. C., alleging that the article had been shipped by the Allen Milling Co., from Wadesboro, N. C., June 13, 1925, and transported from the State of North Carolina into the State of South Carolina, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Sack) "24 Lbs. When Packed" or "Pound Cake Flour 24 Lbs," as the case might be.

Misbranding of the article was alleged in the libels for the reason that the statements on the labels, "24 Lbs. When Packed," with respect to a portion of the product, and "Flour 24 Lbs." with respect to the remainder thereof, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On November 10, 1925, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be sold by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

13876. Misbranding of canned tomatoes. U. S. v. 571 Cases of Canned Tomatoes. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 20341. I. S. No. 10229-x. S. No. C-5019.)

On August 11, 1925, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 571 cases of canned tomatoes, remaining in the original unbroken packages at Cleveland, Ohio, alleging that the article had been shipped by Wm. Silver & Co., York, Pa., on or about January 26, 1925, and transported from the State of Pennsylvania into the State of Ohio, and charging misbranding in violation of the food and drugs act as amended. A portion of the article was labeled in part: (Can) "Satisfactory Brand Tomatoes Wm. Silver & Co. Inc. Distributors Aberdeen, Md. Contents 1 Lb. 3 Oz."

Misbranding of the article was alleged in the libel for the reason that the statement borne on the label "1 Lb. 3 Oz." was false and misleading and deceived and misled the purchaser, and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 16, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the cans labeled "Satisfactory Brand" be separated from the remainder and the label corrected to read "Contents 1 Lb.," and the entire lot sold by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

13877. Adulteration and misbranding of spring water. U. S. v. 9 Bottles of Williams' Acme Spring Health Water. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20099. I. S. No. 14261-v. S. No. E-5320.)

On June 4, 1925, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 9 five-gallon bottles of Williams' Acme spring health water, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by the Williams Bros., from Bowers Hill, Va., on or